

Title 10
DEPARTMENT OF HEALTH AND MENTAL HYGIENE
Subtitle 46 BOARD OF OCCUPATIONAL THERAPY PRACTICE

Chapter 01 General Regulations

Authority: Health Occupations Article, §§10-101, 10-205, 10-301, 10-302, 10-304,
10-311—10-313, 10-402, and 10-403; State Government Article, §10-617(h)(3);
Annotated Code of Maryland

.01 Definitions.

A. In this chapter, the following terms have the meanings indicated.

B. Terms Defined.

(1) "Aide" means any individual who is not licensed by the Board to perform occupational therapy or limited occupational therapy and who provides supportive services to the occupational therapist or occupational therapy assistant under direct supervision.

(2) "AOTA" means the American Occupational Therapy Association.

(3) "Board" means the Board of Occupational Therapy Practice.

(4) "Case resolution conference (CRC)" means a voluntary, informal, and confidential proceeding to explore the possibility of a consent order resolution of the matter with the administrative prosecutor.

(5) "Client" means a consumer, patient, or recipient of occupational therapy services.

(6) "Competence" means an individual's capacity for performance in occupational therapy principles and procedures.

(7) Competency.

(a) "Competency" means the demonstration of the pertinent knowledge of and performance skills in occupational therapy principles and procedures within the practice of occupational therapy and limited occupational therapy.

(b) "Competency" includes satisfactory completion of educational programs or experiences, specialty certification, continuing education, or all of these.

(8) "Direct supervision" means supervision provided on a face-to-face basis by a supervisor who is a licensed occupational therapist or occupational therapy assistant, during the performance of delegated client-related tasks.

(9) "Elective nonrenewal" means choosing to render one's license inactive.

(10) "Evaluation" means the ongoing process of collecting and interpreting the data necessary for treatment planning and discharge planning.

(11) "Expired license" means an invalid license which has not been renewed for an additional term through the process of renewal or elective nonrenewal.

(12) "Licensee" means a licensed occupational therapist or a licensed occupational therapy assistant.

(13) "NBCOT" means the National Board for Certification in Occupational Therapy.

(14) "Occupational therapist" means, unless the context requires otherwise, an occupational therapist that is licensed by the Board to practice occupational therapy.

(15) "Occupational therapy assistant" means, unless the context requires otherwise, an occupational therapy assistant who is licensed by the Board to practice limited occupational therapy.

(16) "On-site supervision" means supervision provided by a supervisor who is:

- (a) A licensed occupational therapist or occupational therapy assistant; and
- (b) Immediately available on the premises to provide direct supervision, if needed, when client-related procedures are performed or as otherwise necessary.

(17) Periodic Supervision.

(a) "Periodic supervision" means supervision provided by a supervisor who is a licensed occupational therapist on a face-to-face basis, for each client who is being treated by the licensed occupational therapy assistant supervisee, occurring the earlier of at least:

- (i) Once every 10 therapy visits; or
- (ii) Once every 30 calendar days.

(b) "Periodic supervision" includes:

- (i) Chart review; and
- (ii) Meetings to discuss client treatment plans, client response to treatment, or observation of treatment, as indicated to ensure the competent and safe provision of occupational therapy services.

(18) "Reevaluation" means the collection and interpretation of data, after the initial evaluation, for the purpose of determining:

- (a) A client's response to treatment;
- (b) Changes in the client's status;
- (c) The need for treatment modification; and
- (d) Plans for discharge.

(19) "Reactivation" means revalidating a license previously rendered invalid by the process of elective nonrenewal.

(20) "Reinstatement" means revalidating a license previously rendered invalid.

(21) "Renewal" means validating an active license for an additional term.

(22) Screening.

(a) "Screening" means a cursory evaluation to determine the need for more comprehensive evaluation and treatment.

(b) "Screening" does not mean a substitute for the evaluation.

(23) "Supervision" means the provision of aid, direction, and instruction, by either a licensed occupational therapist or an occupational therapy assistant, to ensure the competent delivery of occupational therapy services.

(24) "Supervisor" means an occupational therapist or occupational therapy assistant, excluding temporary licensees, who is licensed by the Board and has the responsibility of supervising the provision of occupational therapy treatment services.

(25) "Temporary occupational therapy assistant licensee" means an individual licensed by the Board on a temporary basis, who:

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(a) Except for completing the required certification examination, has met the education and experience requirements of this chapter; and

(b) Is licensed to practice under the on-site supervision of a licensed occupational therapist or occupational therapy assistant.

(26) "Temporary occupational therapist licensee" means an individual licensed by the Board on a temporary basis, who:

(a) Except for completing the required certification examination, has met the education and experience requirements of this chapter; and

(b) Is licensed to practice under the on-site supervision of a licensed occupational therapist.

(27) "Treatment program" means a therapeutic intervention plan designed by a licensed occupational therapist that outlines the selected approaches and types of intervention to be used to enable the client to reach identified targeted outcomes or treatment goals.

(28) "Verification" means current official confirmation of licensure, certification, registration, or continuing education obtained directly from:

(a) A verification service provider approved by the issuing entity and accepted by the Board at its discretion; or

(b) The entity by which the applicant is licensed, certified, registered, or educated.

.02 Licensure.

A. Except as otherwise provided in this chapter, an individual shall be licensed by the Board before the individual may practice occupational therapy or limited occupational therapy.

B. Term and Renewal of License.

(1) An initial license is issued after successfully completing the application process and is valid for 2-1/2 years or less.

(2) All licenses expire annually on June 30, regardless of the original date of licensure.

(3) The Board shall send a notice of renewal to the last known address of each active licensee, and each licensee who is inactive by elective nonrenewal, who is eligible for renewal at least 30 days before the expiration date of the license.

(4) In order to renew a license, the licensee shall return to the Board a completed renewal application by the deadline for renewal.

(5) The licensee shall submit a money order, check, or electronic payment in the amount of the renewal fee established by the Board in COMAR 10.46.05.01.

(6) Incomplete applications will not be accepted.

(7) If a completed renewal application is submitted after the deadline but before the expiration, the Board shall assess a late fee as specified in COMAR 10.46.05.01.

(8) A completed renewal application received with a postmark or on-line licensure confirmation dated after the expiration date of June 30 will not be accepted.

(9) At the time of licensure renewal, a licensee who has completed the continuing competency requirement shall attest to the completion of the required contact hours as specified in COMAR 10.46.04.

(10) A licensee who is audited regarding continuing competency requirements, as specified in COMAR 10.46.04, shall successfully complete the requirements of the audit to be eligible for renewal of licensure.

C. Time Frames for Application Materials. The applicant shall submit all materials required by the Board in accordance with this regulation within a specified time frame from the date the application was initiated until the date the application is completed as follows:

(1) Licensure documentation not to exceed 6 months;

(2) Temporary licensure documentation, with no changes in data originally submitted, not to exceed 6 months; and

(3) Second temporary licensure documentation, with no changes in data originally submitted, not to exceed 6 months.

D. Application Procedures for Licensure. To apply for a license, an applicant shall submit the following original documentation to the Board within the time frame specified on the application:

(1) An application completed in accordance with the directions provided;

(2) Verification of:

(a) Initial certification or examination from the NBCOT; or

(b) Examination score from the testing agency within 60 days of examination;

(3) Two letters attesting to the applicant's moral character, compliant with forms provided by the Board;

(4) A money order, check, or electronic payment in the amount of the application fee established by the Board in COMAR 10.46.05.01;

(5) If currently, or previously, authorized to practice in any other state or country, or both, documentation from the appropriate authority of that state or country verifying:

(a) Licensure;

(b) Registration; or

(c) Certification;

(6) Verification of successful completion of the Maryland Board of Occupational Therapy Jurisprudence Examination; and

(7) Documentation certifying a minimum of 12 hours of education or continuing competency activities, as specified in COMAR 10.46.04, obtained within the 1-year period immediately preceding the application for licensure.

E. Application Procedures for Temporary Licensure.

(1) A temporary license may be issued to an applicant who, except for completing the required certification examination, has met the education and experience requirements of this chapter.

(2) To apply for a temporary license, an applicant shall submit the following original documentation to the Board within the time frame specified on the application:

(a) An application completed in accordance with the directions provided;

(b) An application confirmation letter from the NBCOT certifying the applicant's eligibility and registration to take the examination within the eligibility activation period;

(c) Two letters attesting to the applicant's moral character, compliant with forms provided by the Board;

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(d) A money order, check, or electronic payment in the amount of the application fee established by the Board in COMAR 10.46.05.01;

(e) If currently, or previously, authorized to practice in any other state or country, or both, documentation from the appropriate authority of that state or country verifying:

- (i) Licensure;
- (ii) Registration; or
- (iii) Certification;

(f) Verification of the successful completion of the Maryland Board of Occupational Therapy Jurisprudence Examination; and

(g) Documentation certifying a minimum of 12 hours of education or continuing competency activities, as specified in COMAR 10.46.04, obtained within the 1-year period immediately preceding the application for temporary licensure.

F. Application Procedures for a Second Temporary License.

(1) A second temporary license may be issued to an applicant:

(a) Whose initial temporary license expired; and

(b) Who, except for completing the required certification examination, has met the education and experience requirements of this chapter.

(2) To apply for a second temporary license, an applicant shall submit the following original documentation to the Board within the time frame specified on the application:

(a) An application confirmation letter from the NBCOT certifying the applicant's eligibility and registration to take the examination within the eligibility activation period;

(b) A money order, check, or electronic payment in the amount of the second temporary license fee established by the Board in COMAR 10.46.05.01; and

(c) Updated versions of any application documents previously submitted which have expired.

G. Application Procedures for Nonrenewal of License.

(1) Elective Nonrenewal.

(a) A licensee wishing to render a license inactive for a specified renewal term may electively nonrenew the license for that term.

(b) For each specific 1-year term for which inactive status is requested, the licensee shall apply for elective nonrenewal.

(c) The Board shall send a notice of renewal to the last known address of each inactive licensee who is eligible for renewal or elective nonrenewal.

(d) In order to electively nonrenew a license, the licensee shall return to the Board a completed application, by the expiration date of June 30.

(e) A completed application for elective nonrenewal received with a postmark or on-line licensure confirmation dated after the expiration date will not be accepted.

(f) The licensee shall submit a money order, check, or electronic payment in the amount of the elective nonrenewal fee established by the Board in COMAR 10.46.05.01.

(2) Expiration. A license that has not been renewed for an additional term through the process of renewal or elective nonrenewal is expired and invalid.

H. Application Procedures for Reactivation or Reinstatement of License. To apply for reactivation after elective nonrenewal or reinstatement after expiration, an applicant shall submit the following original documentation to the Board within the timeframe specified on the application:

- (1) An application completed in accordance with the directions provided;
- (2) Verification of initial certification or examination from the NBCOT;
- (3) Two letters attesting to the applicant's moral character, compliant with forms provided by the Board;
- (4) A money order, check, or electronic payment in the amount of the applicable fee established by the Board in COMAR 10.46.05.01;
- (5) If currently, or previously, authorized to practice in any other state or country, or both, documentation from the appropriate authority of that state or country verifying:
 - (a) Licensure;
 - (b) Registration; or
 - (c) Certification;
- (6) Verification of successful completion of the Maryland Board of Occupational Therapy Jurisprudence Examination; and
- (7) Documentation certifying a minimum of 12 contact hours of continuing competency activities as specified in COMAR 10.46.04 obtained within the 1-year period immediately preceding the application for reinstatement or reactivation.

I. Address Change.

- (1) An applicant or licensee shall report a change of address, in writing, within 30 days of the change.
- (2) Failure to comply results in assessment of a penalty fee as specified in COMAR 10.46.05.01.

J. Name Change.

- (1) An applicant or licensee shall report a change of name, in writing, within 30 days of the change;
- (2) The report of a change in name shall include:
 - (a) A copy of a legal document substantiating the name change, such as a marriage certificate or court order, signed and certified as a true copy by the officer to whose custody the original is entrusted;
 - (b) The return of official license bearing the applicant's or licensee's former name; and
 - (c) The return of the pocket license bearing the applicant's or licensee's former name.

K. Duplicate License.

- (1) If the original license is lost, stolen, or damaged, a licensee shall make a request in writing to the Board for a duplicate license.
- (2) The request shall include:
 - (a) The damaged official license, if available;
 - (b) The damaged pocket license, if available; and
 - (c) A letter of explanation.

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L. Verification of Maryland License.

(1) Board-Provided Verification. Upon request, the Board shall provide written documentation certifying licensure status and disciplinary history in Maryland.

(2) The request for Board verification shall include:

- (a) The name of the licensee to be verified;
- (b) The address where the completed verification is to be forwarded; and
- (c) A money order, check, or electronic payment in the amount of the verification of licensure fee established by the Board in COMAR 10.46.05.01.

(3) Self-Obtained Verification. An individual may independently obtain information on the licensure status of licensees in the following ways:

- (a) Upon accessing the Board's website, an individual may view and print a licensee's status; or
- (b) Upon phoning the Board's office, an individual may receive verbal verification of a licensee's status.

.03 Standards of Practice.

A. Occupational Therapist.

(1) An occupational therapist shall exercise sound judgment and provide adequate care in the performance of duties as provided in nationally recognized standards of practice.

(2) An occupational therapist shall document client information as follows:

- (a) Evaluation;
- (b) Treatment program;
- (c) Progress reports;
- (d) Reevaluations; and
- (e) Discharge summaries, verbal orders, and clarification orders in accordance with facility policies and procedures.

(3) An occupational therapist shall immediately discontinue any treatment procedure that appears harmful to the client.

B. Occupational Therapy Assistant.

(1) An occupational therapy assistant shall exercise sound judgment and provide adequate care in the performance of duties as provided in nationally recognized standards of practice.

(2) An occupational therapy assistant shall document client information as follows:

- (a) Progress reports;
- (b) Reevaluations; and
- (c) Discharge summaries, verbal orders, and clarification orders in accordance with facility policies and procedures.

(3) An occupational therapy assistant may begin a treatment program after the occupational therapist has:

- (a) Evaluated the client;
- (b) Established an initial treatment program; and

(c) Engaged in verbal, written, or electronic communication with the occupational therapy assistant.

(4) An occupational therapy assistant may not analyze or interpret evaluation data.

(5) An occupational therapy assistant may assist and participate in the screening, evaluation, reevaluation, and discharge planning process by:

- (a) Collecting data, such as records;
- (b) General observation;
- (c) Conducting a general interview;
- (d) Using assessment tools; or
- (e) All of §B(5)(a)—(d) of this regulation.

(6) An occupational therapy assistant shall communicate to the occupational therapist verbally, in writing, or electronically, the information gathered.

(7) An occupational therapy assistant shall track and report changes in the client's status that might warrant the need for reevaluation.

(8) An occupational therapy assistant shall immediately discontinue any treatment procedure that appears harmful to the client and shall notify the supervising occupational therapist.

.04 Supervision Requirements.

A. Occupational Therapist.

(1) A licensed occupational therapist may supervise the clinical practice of the following:

- (a) Occupational therapist;
- (b) Occupational therapy assistant;
- (c) Temporary occupational therapist;
- (d) Temporary occupational therapy assistant;
- (e) Aide; and
- (f) Occupational therapy student or occupational therapy assistant student.

(2) Unless otherwise stated, a supervisor need not be physically present on the premises at all times, but may be available by telephone or by other electronic communication means.

B. Occupational Therapy Assistant.

(1) Subject to the requirements of this section, an occupational therapy assistant may practice limited occupational therapy under the supervision of an occupational therapist if it is at a minimum periodic supervision.

(2) The supervising occupational therapist working with the occupational therapy assistant shall determine the appropriate amount and type of supervision necessary, taking into consideration:

- (a) Skills, experience, and education of the occupational therapy assistant and the occupational therapist;
- (b) Change in a client's status;
- (c) Complexity of the treatment program; and
- (d) Type and requirements of practice setting.

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(3) In addition to the other requirements specified by this section, supervision requires that, before the initiation of the treatment program and before a planned discharge, the supervising occupational therapist shall provide direction to the occupational therapy assistant by verbal, written, or electronic communication.

(4) An occupational therapy assistant, under the direction of the occupational therapist, is permitted to be the primary clinical supervisor for the following:

- (a) Aide;
- (b) Temporary occupational therapy assistant;
- (c) Level I fieldwork occupational therapy student; and
- (d) Level I and Level II fieldwork occupational therapy assistant student.

(5) The occupational therapy assistant may be utilized to facilitate occupational therapy student and occupational therapy assistant student learning experiences in both Level I and Level II fieldwork under the direction of the occupational therapist.

(6) The supervising occupational therapist and the occupational therapy assistant are jointly responsible for maintaining formal documentation of periodic supervision as set forth in Regulation .05 of this chapter.

C. Temporary License to Practice Occupational Therapy.

(1) A temporary license to practice occupational therapy authorizes the licensee to practice occupational therapy with on-site supervision.

(2) The supervising occupational therapist and the temporary occupational therapist are jointly responsible for maintaining documentation of supervision as set forth in Regulation .05 of this chapter.

D. Temporary License to Practice Limited Occupational Therapy.

(1) A temporary license to practice limited occupational therapy authorizes the licensee to practice limited occupational therapy with on-site supervision.

(2) The supervising occupational therapist or the supervising occupational therapy assistant and the temporary occupational therapy assistant are jointly responsible for maintaining documentation of supervision as set forth in Regulation .05 of this chapter.

E. Aide.

(1) A supervising occupational therapist or occupational therapy assistant working with an aide shall provide direct supervision to the aide when the aide is performing tasks within the occupational therapy treatment program.

(2) The supervising occupational therapist or occupational therapy assistant shall assign to an aide only those tasks that do not require education or training in occupational therapy and that the aide can perform competently.

(3) The supervising occupational therapist or occupational therapy assistant is responsible for ensuring that the aide delivers service in a safe and competent manner.

(4) Prescribed tasks within the treatment program that may be performed by an aide under the direct supervision of an occupational therapist include, but are not limited to:

- (a) Guarding;
- (b) Positioning;
- (c) Holding body parts for splinting or bracing; and
- (d) Assisting with group and community reentry activities.

(5) Prescribed tasks within the treatment program that may be performed by an aide under the direct supervision of an occupational therapist or occupational therapy assistant include:

- (a) Transfer practice;
- (b) Assisting in routine:
 - (i) Functional activity;
 - (ii) Functional exercise; and
 - (iii) Activities of daily living (ADL) program;
- (c) Applying assistive devices;
- (d) Applying adaptive devices;
- (e) Assisting the client with the use of assistive equipment;
- (f) Assisting the client with the use of adaptive equipment; and
- (g) Reality orientation for the confused client.

(6) Nontreatment activities that may be performed by an aide under the direction of an occupational therapist or occupational therapy assistant include:

- (a) Clerical;
- (b) Secretarial;
- (c) Housekeeping;
- (d) Supply maintenance;
- (e) Equipment maintenance;
- (f) Fabrication of straps for splinting and bracing;
- (g) Fabrication of assistive devices that are not worn directly by a client;
- (h) Routine transfers for transporting clients;
- (i) Transporting clients; and
- (j) Activities ancillary to group and individual activities.

F. Occupational Therapy Students. An occupational therapist or occupational therapy assistant supervising a Level I or Level II fieldwork student shall have a minimum of 1 year of experience as a licensed occupational therapist or occupational therapy assistant, excluding temporary licensure.

.05 Documentation Requirements for Supervision.

A. Occupational Therapy Assistant. Documentation for supervision of an occupational therapy assistant shall include, but is not limited to:

- (1) Reports or summaries documenting compliance with periodic supervision that are written and signed with credentials by the occupational therapy assistant and cosigned by the supervising occupational therapist;
- (2) Documentation for planned discharges from the occupational therapy treatment program that are written and signed with credentials by the occupational therapy assistant and cosigned by the supervising occupational therapist; and
- (3) Documentation of demonstrated competency in the use of specific procedures, activities, modalities, and techniques.

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B. Temporary License to Practice Occupational Therapy. Documentation for supervision of an occupational therapist with a temporary license shall include, but is not limited to:

- (1) Evaluations cosigned by the supervising occupational therapist;
- (2) Reports or summaries documenting compliance with on-site supervision that are written and signed with credentials by the temporary occupational therapist and cosigned by the supervising occupational therapist;
- (3) Cosigned revised treatment programs designed in response to changes in a client's status; and
- (4) Documentation for planned discharges from the occupational therapy treatment program that are written and signed with credentials by the temporary occupational therapist and cosigned by the supervising occupational therapist.

C. Temporary License to Practice Limited Occupational Therapy. Documentation for supervision of an occupational therapy assistant with a temporary license shall include:

- (1) All client records cosigned by the supervisor;
- (2) Reports or summaries documenting compliance with on-site supervision that are written and signed with credentials by the temporary occupational therapy assistant and cosigned by the supervising occupational therapist or occupational therapy assistant; and
- (3) Documentation for planned discharges from the occupational therapy treatment program that are written and signed with credentials by the temporary occupational therapy assistant and cosigned by the supervising occupational therapist.

D. Aides. The supervising occupational therapist or occupational therapy assistant shall:

- (1) Be responsible for the safe and competent performance of tasks assigned to the aide; and
- (2) Document evidence of unsafe or incompetent performance.

E. Occupational Therapy and Occupational Therapy Assistant Students Level I and Level II Fieldwork. Documentation for supervision of a Level I or Level II fieldwork occupational therapy or occupational therapy assistant student shall include:

- (1) All client records cosigned by the supervisor;
- (2) Reports or summaries documenting compliance with on-site supervision that are written and signed by the Level I or Level II fieldwork occupational therapy or occupational therapy assistant student and cosigned by the supervising occupational therapist or occupational therapy assistant; and
- (3) Documentation for planned discharges from the occupational therapy treatment program that are written and signed with credentials by the Level I or Level II fieldwork occupational therapy or occupational therapy assistant student and cosigned by the supervising occupational therapist.

F. Signature and Cosignature. Acceptable methods of authentication include a written signature or electronic signature that includes the signer's credentials.

.06 Authority to Practice.

It is unlawful for an individual who has a revoked, suspended, electively nonrenewed, or expired license status for any reason to:

- A. Practice occupational therapy in the State; or
- B. Use licensing credentials as specified in Regulation .07 of this chapter.

.07 Licensure Status Representation.

Individuals authorized to practice occupational therapy by the Board, and only those individuals, shall use the following credentials to represent licensure status to the public:

- A. Licensed occupational therapist (OT/L);
- B. Licensed occupational therapy assistant (OTA/L);
- C. Temporary occupational therapy licensee (OT/LT); and
- D. Temporary occupational therapy assistant licensee (OTA/LT).

.08 Disclosure for Compelling Public Purpose.

A. The Board may find that a compelling public purpose warrants disclosure of information in a certification, licensing, or investigative file, regardless of whether there has been a request for the information, and may disclose the information under the following circumstances:

(1) The information concerns possible criminal activity and is disclosed to a federal, state, or local law enforcement or prosecutorial official or authority;

(2) The information concerns a possible violation of law and is disclosed to a federal, state, or local authority that has jurisdiction over the individual whose conduct may be a violation and the information disclosed is limited to information relevant to the possible violation by that individual; or

(3) The information concerns conduct by an individual which the Board reasonably believes may pose a risk to the public health, safety, or welfare, and is disclosed to a law enforcement authority, administrative official, or agency that regulates the individual, or to a hospital or other health care facility where the individual has privileges.

B. Other Disclosures. This chapter does not prevent or limit the ability of the Board to disclose general licensing information as provided in State Government Article, §10-617(h), Annotated Code of Maryland, or any information which the Board may otherwise disclose by law.

Administrative History

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Regulation .02 amended effective July 3, 1995 (22:13 Md. R. 968)

Regulation .03 repealed effective July 20, 1992 (19:14 Md. R. 1284)

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Regulation .04 adopted effective July 3, 1995 (22:13 Md. R. 968)

Regulations .01—.04 repealed and new Regulation .01—.06 adopted as an emergency provision effective October 1, 2000 (27:21 Md. R. 1973); emergency status extended at 28:7 Md. R. 687; emergency status extended at 28:9 Md. R. 884; adopted permanently effective April 30, 2001 (28:8 Md. R. 761)

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